

**ORDINANCE NO. 20061214-047**

**AN ORDINANCE AMENDING CHAPTERS 2-1, 2-9A, 2-9B, 2-9C, AND 2-9D OF THE CITY CODE TO CHANGE THE NAME OF THE MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISE ADVISORY COMMITTEE TO THE MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISE AND SMALL BUSINESS ADVISORY COMMITTEE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Chapter 2-1 (*Boards and Commissions*) of the City Code is amended to amend the title of Article 38 to read

***ARTICLE 38 MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISE AND SMALL BUSINESS ENTERPRISE PROCUREMENT PROGRAM ADVISORY COMMITTEE.***

**PART 2.** Section 2-1-381 (*Establishment, Members*) of the City Code is amended to read

**§ 2-1-381 ESTABLISHMENT; MEMBERS.**

- (A) MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE shall mean the committee appointed by the city council to perform those functions provided for in Chapter 2-9 (*Minority-Owned and Women-Owned Business Enterprise Procurement Program*) The committee shall consist of two owners of certified WBE/MBE businesses, three representatives of the minority and women's chambers of commerce, two non-certified contractors, two representatives of trade associations, and two representatives from professional organizations It is the intent of the city council that the membership of the MBE/WBE and Small Business Advisory Committee have the widest representation of businesses in Austin
- (B) Each member of the MBE/WBE and Small Business Advisory Committee is appointed by the city council to serve a two-year staggered term The terms of one MBE/WBE member, two chamber members, one member each from the non-certified contractors, trade associations and professional organizations, shall expire on March 1 of even-numbered years, and the terms of the other members appointed by the city council shall expire on March 1 of odd-numbered years Each member of the MBE/WBE and Small Business Advisory Committee is subject to Chapter 2-7 (*Ethics and Financial Disclosure*)

- (C) When performing review functions as described in Sections 2-9-17 (*Procedure for Protesting Denial of Certification of Recertification or Opposing Decertification as an MBE or WBE*) and 2-9-18 (*Procedure for Challenging Certification as an MBE or WBE*), members of the MBE/WBE and Small Business Advisory Committee shall recuse themselves from participation in a vote or decision when the party before the committee perform the same or similar work and compete with each other in the public or private marketplace
- (D) The MBE/WBE and Small Business Advisory Committee shall
- (1) review the city manager's report, as described in Sections 2-9A-18 (*Program Review*), 2-9B-18 (*Program Review*), 2-9C-18 (*Program Review*), and 2-9D-18 (*Program Review*), and
  - (2) recommend changes to the City Code provisions, adopted rules and regulations, and program operations

**PART 3.** Section 2-9A-4(29) (*Definitions*) of the City Code is amended to read

- (29) MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE  
The committee appointed by the city council to serve those functions described in Section 2-9A-13 (*MBE/WBE and Small Business Advisory Committee*) It is composed as set forth in Section 2-1-381 (*Establishment, Members*) of the Code

**PART 4.** Section 2-9A-10 (*Duties of Department of Small and Minority Business Resources*) of the City Code is amended to read

**§ 2-9A-10 DUTIES OF DEPARTMENT OF SMALL AND MINORITY BUSINESS RESOURCES.**

The Minority-Owned and Women-Owned Business Enterprise Procurement Program with respect to Construction shall be administered and executed by a Department of Small and Minority Business Resources, whose Director shall report to the City Manager. The Director has final administrative authority over the operations of the Program. The duties and function of the Department of Small and Minority Business Resources shall include the following

- (1) Formulating, proposing and adopting rules and regulations for the further development, implementation and monitoring of the Program, in accordance with the process established in Section 2-9A-6 (*Adoption of Rules*)
- (2) Assuring that MBEs and WBEs are informed of City contracting opportunities

- (3) Providing information and assistance to MBEs, WBEs, and DBEs relating to City procurement practices and procedures and Bid specifications, requirements and prerequisites
- (4) Certifying businesses as MBEs, WBEs, and DBEs, maintaining certification records, and ensuring that all City departments have an up-to-date certification register
- (5) Reviewing Contractors achievement of the Goals or documentation of Good Faith Efforts made to comply with the participation Goals for Contracts, and rendering decisions on whether Good Faith Efforts have been sufficient
- (6) Working with User Departments to monitor Contracts to ensure prompt payments to MBEs, WBEs, and DBEs and compliance with participation Goals and commitments
- (7) Establishing project participation Goals and/or Subgoals in accordance with Section 2-9A-19 (*Establishment of MBE/WBE Participation Levels for Individual Contracts in Construction*)
- (8) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program, and reporting violations of this chapter when such violations occur as provided in Section 2-9A-25 (*Sanctions*)
- (9) Providing staff support and reports to the MBE/WBE and Small Business Advisory Committee and forwarding its recommendations to the City Manager, city council and City departments to further the policies and objectives of the Program
- (10) Reporting the availability of MBEs, WBEs, and DBEs certified by the City to perform Contracts for the City

**PART 5.** Section 2-9A-13 (*MBE/WBE Advisory Committee*) of the City Code is amended to read

**§ 2-9A-13 MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**

The MBE/WBE and Small Business Advisory Committee shall perform those functions as set forth in Chapter [~~Section~~] 2-1, Article 38 of the Code

**PART 6.** Section 2-9B-4(29) (*Definitions*) of the City Code is amended to read

- (29) **MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE**  
The committee appointed by the city council to serve those functions

described in Section 2-9B-13 (*MBE/WBE and Small Business Advisory Committee*) It is composed as set forth in Section 2-1-381 (*Establishment, Members*) of the Code

**PART 7.** Section 2-9B-10 (*Duties of Department of Small and Minority Business Resources*) of the City Code is amended to read

**§ 2-9B-10 DUTIES OF DEPARTMENT OF SMALL AND MINORITY BUSINESS RESOURCES.**

The Minority-Owned and Women-Owned Business Enterprise Procurement Program with respect to Construction shall be administered and executed by a Department of Small and Minority Business Resources, whose Director shall report to the City Manager The Director has final administrative authority over the operations of the Program The duties and function of the Department of Small and Minority Business Resources shall include the following

- (1) Formulating, proposing and adopting rules and regulations for the further development, implementation and monitoring of the Program, in accordance with the process established in Section 2-9B-6 (*Adoption of Rules*)
- (2) Assuring that MBEs and WBEs are informed of City contracting opportunities
- (3) Providing information and assistance to MBEs, WBEs, and DBEs relating to City procurement practices and procedures and Bid specifications, requirements and prerequisites
- (4) Certifying businesses as MBEs, WBEs, and DBEs, maintaining certification records, and ensuring that all City departments have an up-to-date certification register
- (5) Reviewing Contractors achievement of the Goals or documentation of Good Faith Efforts made to comply with the participation Goals for Contracts, and rendering decisions on whether Good Faith Efforts have been sufficient
- (6) Working with User Departments to monitor Contracts to ensure prompt payments to MBEs, WBEs, and DBEs and compliance with participation Goals and commitments

- (7) Establishing project participation Goals and/or Subgoals in accordance with Section 2-9B-19 (*Establishment of MBE/WBE Participation Levels for Individual Contracts in Construction*)
- (8) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program, and reporting violations of this chapter when such violations occur as provided in Section 2-9B-25 (*Sanctions*)
- (9) Providing staff support and reports to the MBE/WBE and Small Business Advisory Committee and forwarding its recommendations to the City Manager, city council and City departments to further the policies and objectives of the Program
- (10) Reporting the availability of MBEs, WBEs, and DBEs certified by the City to perform Contracts for the City

**PART 8.** Section 2-9B-13 (*MBE/WBE Advisory Committee*) of the City Code is amended to read

**§ 2-9B-13 MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**

The MBE/WBE and Small Business Advisory Committee shall perform those functions as set forth in Chapter [~~Section~~] 2-1, Article 38 of the Code

**PART 9.** Section 2-9C-4(29) (*Definitions*) of the City Code is amended to read

- (29) MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE  
The committee appointed by the city council to serve those functions described in Section 2-9C-13 (*MBE/WBE and Small Business Advisory Committee*) It is composed as set forth in Section 2-1-381 (*Establishment, Members*) of the Code

**PART 10.** Section 2-9C-10 (*Duties of Department of Small and Minority Business Resources*) of the City Code is amended to read

**§ 2-9C-10 DUTIES OF DEPARTMENT OF SMALL AND MINORITY BUSINESS RESOURCES.**

The Minority-Owned and Women-Owned Business Enterprise Procurement Program with respect to Construction shall be administered and executed by a Department of Small and Minority Business Resources, whose Director shall report to the City Manager. The Director has final administrative authority over the operations of the Program. The duties and function of the Department of Small and Minority Business Resources shall include the following

- (1) Formulating, proposing and adopting rules and regulations for the further development, implementation and monitoring of the Program, in accordance with the process established in Section 2-9C-6 (*Adoption of Rules*)
- (2) Assuring that MBEs and WBEs are informed of City contracting opportunities
- (3) Providing information and assistance to MBEs, WBEs, and DBEs relating to City procurement practices and procedures and Bid specifications, requirements and prerequisites
- (4) Certifying businesses as MBEs, WBEs, and DBEs, maintaining certification records, and ensuring that all City departments have an up-to-date certification register
- (5) Reviewing Contractors achievement of the Goals or documentation of Good Faith Efforts made to comply with the participation Goals for Contracts, and rendering decisions on whether Good Faith Efforts have been sufficient
- (6) Working with User Departments to monitor Contracts to ensure prompt payments to MBEs, WBEs, and DBEs and compliance with participation Goals and commitments
- (7) Establishing project participation Goals and/or Subgoals in accordance with Section 2-9C-19 (*Establishment of MBE/WBE Participation Levels for Individual Contracts in Construction*)
- (8) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program, and reporting violations of this chapter when such violations occur as provided in Section 2-9C-25 (*Sanctions*)
- (9) Providing staff support and reports to the MBE/WBE and Small Business Advisory Committee and forwarding its recommendations to the City Manager, city council and City departments to further the policies and objectives of the Program
- (10) Reporting the availability of MBEs, WBEs, and DBEs certified by the City to perform Contracts for the City

**PART 11.** Section 2-9C-13 (*MBE/WBE Advisory Committee*) of the City Code is amended to read

**§ 2-9C-13 MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**

The MBE/WBE and Small Business Advisory Committee shall perform those functions as set forth in Chapter [~~Section~~] 2-1, Article 38 of the Code

**PART 12.** Section 2-9D-4(30) (*Definitions*) of the City Code is amended to read

- (30) **MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE**  
The committee appointed by the city council to serve those functions described in Section 2-9D-13 (*MBE/WBE and Small Business Advisory Committee*) It is composed as set forth in Section 2-1-381 (*Establishment, Members*) of the Code

**PART 13.** Section 2-9D-10 (*Duties of Department of Small and Minority Business Resources*) of the City Code is amended to read

**§ 2-9D-10 DUTIES OF DEPARTMENT OF SMALL AND MINORITY BUSINESS RESOURCES.**

The Minority-Owned and Women-Owned Business Enterprise Procurement Program with respect to Construction shall be administered and executed by a Department of Small and Minority Business Resources, whose Director shall report to the City Manager The Director has final administrative authority over the operations of the Program The duties and function of the Department of Small and Minority Business Resources shall include the following

- (1) Formulating, proposing and adopting rules and regulations for the further development, implementation and monitoring of the Program, in accordance with the process established in Section 2-9D-6 (*Adoption of Rules*)
- (2) Assuring that MBEs and WBEs are informed of City contracting opportunities
- (3) Providing information and assistance to MBEs, WBEs, and DBEs relating to City procurement practices and procedures and Bid specifications, requirements and prerequisites
- (4) Certifying businesses as MBEs, WBEs, and DBEs, maintaining certification records, and ensuring that all City departments have an up-to-date certification register

- (5) Reviewing Contractors achievement of the Goals or documentation of Good Faith Efforts made to comply with the participation Goals for Contracts, and rendering decisions on whether Good Faith Efforts have been sufficient
- (6) Working with User Departments to monitor Contracts to ensure prompt payments to MBEs, WBEs, and DBEs and compliance with participation Goals and commitments
- (7) Establishing project participation Goals and/or Subgoals in accordance with Section 2-9D-19 (*Establishment of MBE/WBE Participation Levels for Individual Contracts in Construction*)
- (8) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program, and reporting violations of this chapter when such violations occur as provided in Section 2-9D-25 (*Sanctions*)
- (9) Providing staff support and reports to the MBE/WBE and Small Business Advisory Committee and forwarding its recommendations to the City Manager, city council and City departments to further the policies and objectives of the Program
- (10) Reporting the availability of MBEs, WBEs, and DBEs certified by the City to perform Contracts for the City

**PART 14.** Section 2-9D-13 (*MBE/WBE Advisory Committee*) of the City Code is amended to read

**§ 2-9D-13 MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**

The MBE/WBE and Small Business Advisory Committee shall perform those functions as set forth in Chapter [~~Section~~] 2-1, Article 38 of the Code

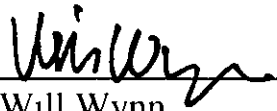


**PART 15.** This ordinance takes effect on December 25, 2006

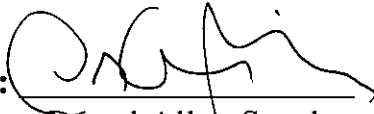
**PASSED AND APPROVED**

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December 14\_\_\_\_\_, 2006

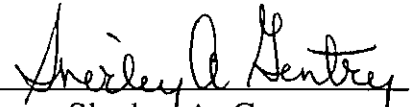
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Will Wynn  
Mayor

**APPROVED:**

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David Allan Smith  
City Attorney

**ATTEST:**

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Shirley A. Gentry  
City Clerk